



*United States Department of Justice*

*United States Attorney  
Southern District of West Virginia*

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Charleston, WV 25301  
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September 12, 2019

John D. Perdue, Treasurer  
West Virginia State Treasurer's Office  
1900 Kanawha Boulevard  
Capitol Complex Building #1, Room E-145  
Charleston, West Virginia 25305

2019 SEP 13 AM 8:52

RE: FOIA Request Relating To Banking Services Involving  
The West Virginia Medical Cannabis (Marijuana) Banking Program

Dear Mr. Perdue:

Pursuant to the West Virginia Freedom of Information Act, W.Va. Code § 29B-1-1, et seq., United States Attorney Michael B. Stuart and the Office of the United States Attorney for the Southern District of West Virginia, are requesting copies of the following documents from the West Virginia Department of Agriculture ("WVDA"):

1. All emails, correspondence, bid documents, and other documents relating to requests for proposals and/or the awarding of any contract for banking services to Element Financial Credit Union in connection with the West Virginia medical cannabis (marijuana) banking program.
2. All documents relating to the bidding process for awarding any requests for proposals or contracts for banking services in connection with the West Virginia medical cannabis (marijuana) banking program, including any information sheets, requirements for any contracts and/or the services to be provided under such contracts.
3. Any information provided to any potential bidders for any requests for proposals and/or contracts to be awarded involving the West Virginia medical cannabis (marijuana) program relating to Suspicious Activity Report (SAR) reporting requirements to the Financial Crimes Enforcement Network (FinCEN) under the terms of the United States Bank Secrecy Act (BSA) of 1970 and related statutes.
4. Any correspondence, emails, or other documents issued, provided, or sent to any financial institutions in West Virginia relating to Suspicious Activity Report (SAR) reporting requirements that must be must filed with the Financial Crimes Enforcement Network (FinCEN) under the terms of the United States Bank Secrecy Act (BSA) of 1970 and related statutes concerning any financial transactions involving medical cannabis, medical marijuana, medical; marijuana businesses, marijuana, marijuana related products, and/or marijuana related

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businesses.

The West Virginia Freedom of Information Act requires a response within five days (not including Saturdays, Sundays, or legal holidays—W.Va. Code § 29B-1-3(d)). If the response to this request will take longer than this amount of time, please contact me to discuss when I can expect the requested documents.


While I do not anticipate a denial of any aspect of this request, if the West Virginia State Treasurer's Office feels that some specific exemption applies to any aspect of this request, and, thus, denies production of any specific documents, then I would request a citation to the specific exemption being applied, a description of the documents being withheld, and the justification for the application of the exemption being applied.

If you have any questions regarding this request, please do not hesitate to call me at (304) 345-2200.

Sincerely,

MICHAEL B. STUART  
United States Attorney

By:

  
FRED B. WESTFALL, JR.  
Assistant United States Attorney

FBW/fbw

cc: Diana Stout, General Counsel  
West Virginia State Treasurer's Office  
Building 1, Room E-122  
1900 Kanawha Boulevard, East  
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